

Remarks

Claims 1-46 were pending in the Application. All of the pending claims were rejected in the Office Action. Claims 2, 5, 12 and 13 have been amended and claims 47-61 have been added. Claims 1-61 are now pending with claims 1, 14, 31, 47, 52 and 59 being the independent claims. It is submitted
5 that claims 1-61 are allowable for at least the reasons described below.

Preliminary Matters

Initially the Applicant would like to direct the Examiners attention to the 1449s that were submitted by the Applicant prior to this Office action and returned to the Applicant by the Examiner with this Office Action. The Applicant points out that while the Examiner did initial some of the references and sign the 1449s he has not initialed all of the references that were disclosed. The Examiner did not initial the following references:

- WO 97/12486 identified as BA on the 1449 received by the Patent Office on June 15, 2001;
- WO 99/52285 and WO 99/65237 identified as BB and BC respectively on the 1449s that were received by Patent Office on August 2, 2001.

10 The Applicant assumes that the Examiner has considered all the references as the references were provided to the Examiner and the Examiner did sign the 1449s. However, the Applicant requests confirmation/clarification from the Examiner. That is, the Applicant requests that the Examiner initial 20 the references on the 1449s not initialed if they have been considered by the Examiner. If the references have not yet been considered, the Applicant respectfully requests the Examiner consider the references and resubmit the appropriate 1449s with all references initialed.

25 The Examiner rejected claims 1-46 under 35 U.S.C. §103(a) as being unpatentable over *Zigmund et al. (U.S. Patent 6,698,020)* in view of *Srinivasan et al. (U.S. Publication 2002/0038455)*. The Applicant respectfully traverses the rejections as well as the Official Notice that the Examiner makes on several occasions in his rejection. It is submitted that the rejected claims (1-46) as well as the new claims (47-61) are patentable over the cited references for at least the reasons discussed below.

Independent claim 1 is directed to a device for delivering channels of presentation streams in a television service network environment to subscribers. The device includes a plurality of routing units. Each routing unit receives a set of presentation streams corresponding to a programming channel. Each of the presentation streams in each set carrying the same programming data but different advertisements corresponding to different market segments. At least one of the routing units selectively switches between the presentation streams in the set to deliver one of the presentation streams in the set to said subscribers.

The Applicant submits that none of the cited references, whether taken alone or in any reasonable combination, disclose or suggest the embodiment recited in claim 1. For example, none of the references disclose or suggest receiving presentation streams carrying the same programming data but different advertisements corresponding to different market segments, or selectively switching between the presentation streams to deliver one of the presentation streams to the subscriber, as recited in claim 1.

Rather, *Zigmond et al.* disclose a system for inserting advertisements at the household level (see Abstract) and does not disclose or suggest multiple presentation streams or selectively switching between the multiple presentation streams. The Examiner contends that FIG. 3 of *Zigmond et al.* disclose "presentation streams ... carrying the same programming but different advertisements corresponding to different market segments". The Applicant respectfully submits that the Examiner's contention is erroneous. *Zigmond et al.* discloses delivering programming and advertisements to a STB and inserting advertisements within the programming at the STB. The Examiner contends that it is not limited to local (without giving any indication as to where he gets support for this contention), however even assuming arguendo that the insertion was not limited to local, the fact that insertion is performed does not result in multiple presentation streams, as recited in claim 1. That is, *Zigmond et al.* is clearly directed to an advertisement being inserted in a program. It does not disclose or suggest multiple presentation streams having the same programming and different advertisements, as recited in claim 1.

Moreover, the Examiner acknowledges on page 2 of the Office Action that that *Zigmond et al.* "fails to explicitly disclose ... selectively switching between the presentation streams ... to deliver one of the presentation streams". The Examiner appears to be relying on *Srinivasan et al.* for disclosing this feature (notes it teaches the use of a router in broadcasting). Initially it is noted that the Examiner did not provide any details regarding his assertion of what *Srinivasan et al.* disclosed (no reference to any portion of *Srinivasan et al.*). From a review of the figures, a brief review of the publication, as well as a word search of the publication, the Applicant found no mention of a router (as the Examiner suggested that *Srinivasan et al.* taught). On pages 4 and 5 of the Office Action with respect to claim 7, the

Examiner refers to Para. 0040 of *Srinivasan et al.* as disclosing "the use of a routing unit in a data network". The Applicant submits that neither this passage nor *Srinivasan et al.* have anything to do with switching between presentation streams, as recited in claim 1.

Furthermore, the Examiner has provided no motivation from either reference for combining the references. It is unclear whether the combination is possible or would provide any benefits or if it would diminish or destroy the functionality of the references.

For at least these reasons it is submitted that claim 1 is clearly patentable over the cited references. Claims 2-13 depend from claim 1 and are submitted to be patentable over the cited references for at least the reasons addressed above with respect to claim 1 and for the further features recited therein.

For example, claim 2 recites that the routing units includes a switch for delivering the selected presentation stream to the subscribers. The Examiner contends that this element is met by switch 68 of *Zigmond et al.* However, the switch 68 of *Zigmond et al.* is just allowing the advertisement to be inserted in the program stream and has nothing to do with selecting between one of multiple presentation streams, as recited in claim 2. For at least this additional reason claim 2 is submitted to be patentable over the cited references.

The Applicant respectfully submits that the Examiner has not established a *prima facie* case of obviousness for at least the reasons addressed above. Accordingly, the Applicant respectfully requests that the rejections of claims 1-13 be withdrawn.

Independent claim 14 is directed to a system for delivering channels of presentation streams carrying targeted advertisements to subscribers in a television service network environment. The system includes a generator for generating a set of presentation streams for each of a plurality of programming channels. Each of the presentation streams in each set carrying the same programming data but different advertisements directed to different market segments. A plurality of local routing stations are coupled to the generator. Each local routing station receives the sets of presentation streams and selectively switches between the presentation streams in each set to deliver one presentation stream for at least one programming channel to at least one subscriber associated with said routing station.

The Applicant submits that none of the cited references, whether taken alone or in any reasonable combination, disclose or suggest the embodiment recited in claim 1. For example, none of the references disclose or suggest generating presentation streams carrying the same programming data but

different advertisements corresponding to different market segments, or selectively switching between the presentation streams to deliver one of the presentation streams to the subscriber, as recited in claim 14.

For at least reasons similar to those presented above with respect to claim 1, it is submitted that 5 claim 14 is clearly patentable over the cited references. Claims 15-30 depend from claim 14 and are submitted to be patentable for at least the reasons addressed with respect to claim 14 and for the further features recited therein. The Applicant respectfully submits that the rejection of claims 14-30 should accordingly be withdrawn.

10 Independent claim 31 is directed to a method for delivering channels of presentation streams carrying targeted advertisements to subscribers in a television service network environment. The method includes generating a set of presentation streams for each of a plurality of programming channels. Each of the presentation streams in each set carries the same programming data but different advertisements directed to different market segments. The sets of presentation streams are delivered to a plurality of 15 local routing stations. At least one of the local routing stations selectively switches between the presentation streams in each set to deliver one presentation stream for at least one programming channel to at least one subscriber.

For at least reasons similar to those presented above with respect to claim 1, it is submitted that 20 claim 31 is clearly patentable over the cited references. Claims 32-46 depend from claim 31 and are submitted to be patentable for at least the reasons addressed with respect to claim 31 and for the further features recited therein. The Applicant respectfully submits that the rejection of claims 31-46 should accordingly be withdrawn.

25 Newly added independent claim 47 is directed to an apparatus for presenting an appropriate presentation stream to a subscriber, the apparatus comprising: a receiver to receive a plurality of presentation streams, wherein the presentation streams include same programming but different advertisements, wherein the different advertisements correspond to different market segments; a selector to select one of the presentation streams for delivery to a subscriber, wherein selection is based on the advertisement that is most appropriate; and a switch, responsive to said selector, to forward the selected 30 presentation stream to the subscriber for presentation.

For at least reasons similar to those presented above with respect to claim 1, it is submitted that claim 47 is clearly patentable over the cited references. Claims 48-52 depend from claim 47 and are submitted to be patentable for at least the reasons addressed with respect to claim 47 and for the further features recited therein.

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Newly added independent claim 52 is directed to a system for delivering an appropriate presentation stream to a subscriber, the system comprising a generator to generate a plurality of presentation streams, wherein each presentation stream includes same programming but has different advertisements directed to different market segments; and at least one switching device to receive the 10 plurality of presentation streams from said generator and selectively switch between the presentation streams so as to forward a presentation stream with a most appropriate advertisement to a subscriber for presentation.

For at least reasons similar to those presented above with respect to claim 1, it is submitted that claim 52 is clearly patentable over the cited references. Claims 53-58 depend from claim 52 and are 15 submitted to be patentable for at least the reasons addressed with respect to claim 52 and for the further features recited therein.

Newly added independent claim 59 is directed to a method for delivering an appropriate presentation stream to a subscriber, the method comprising receiving a plurality of presentation streams, wherein each presentation stream includes same programming but has different advertisements directed to different market segments; selectively switching between the presentation streams so as to forward a presentation stream with a most appropriate advertisement; and delivering the selected presentation stream to a subscriber.

For at least reasons similar to those presented above with respect to claim 1, it is submitted that claim 59 is clearly patentable over the cited references. Claims 60 and 61 depend from claim 59 and are submitted to be patentable for at least the reasons addressed with respect to claim 59 and for the further features recited therein.

Conclusion

For the foregoing reasons, Applicant respectfully submits that claims 1-61 are in condition for allowance. Accordingly, early allowance of claims 1-61 is earnestly solicited.

If the Examiner believes that a conference would be of value in expediting the prosecution of this Application, the Examiner is hereby invited to contact the undersigned attorney to set up such a conference.

Respectfully submitted,



Date: 10/15/2004

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